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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,582	08/29/2001	Tsuguo Nanjyo	WEN-007	5007

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WASHINGTON, DC 20036

EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/940,582

Applicant(s)

NANJYO, TSUGUO

Examiner

Rochelle Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: On pg. 19, line 5, "superposed" should be - -superimposed- -. Please check the specification for additional misspelling.

Appropriate correction is required.

### ***Claim Objections***

Claims 1 and 9 are objected to because of the following informalities: On line 17 of claims 1 and 9, "superposed" should be - -superimposed- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishihara, JP Patent No. 09-173298.

Nishihara discloses a "fundus camera"(see FIGS. 1-13) comprising: an "observation optical system"(see FIG. 1) having an "objective lens"(see 1 of FIG. 1) and

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a "photographing element"(see 6 of FIG. 1); a "monitor"(see 27 of FIGS. 1 and 3-6); a "fixation-target presenting optical system" that comprises a "liquid crystal display with a light source behind" presenting "a fixation target" and has "a point light source"(see 19 and 24 of FIG. 1 and see FIG. 2 and 8); a "fixation-target moving unit" that includes a "light source moving unit"(see FIG. 2); a "screen-control unit"(see 20 of FIGS. 1 and 3); a "first fixation display-control unit"(see paragraph [0015]); a "second display-control unit"(see paragraph [0016]); a "sensor"(see 32 of FIG. 7); and a "mode-selecting unit"/ "a specifying unit"(see 25 of FIGS. 1 and 3). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto, JP Patent No. 11-313800.

Matsumoto discloses a "fundus camera"(see FIGS. 1-10) comprising: an "observation optical system"(see FIG. 2) having an "objective lens"(see 11 of FIG. 2) and a "photographing element"(see 9 of FIGS. 1, 2 and 10); a "monitor"(see 6 of FIGS. 1, 2, and 5-10); a "fixation-target presenting optical system" that comprises a "liquid crystal display with a light source behind" presenting "a fixation target" and has "a point light source"(see paragraph [0009] and FIGS. 2 and 10); a "fixation-target moving unit" that includes a "light source moving unit"(see 7, 8 and 30 of FIGS. 1, 2, and 10); a "first fixation display-control unit"(see paragraph [0012]); a "second display-control unit"(see paragraphs [0013]-[0024] with FIGS. 5-9); and a "screen control unit"/a "sensor"/ a "mode-selecting unit" / a "specifying unit"(see 25-27 of FIGS. 2 and 10 ). Features and

functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

3. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Okashita et al., JP Patent No. 2000-189387.

Okashita discloses a "fundus camera"(see FIGS. 1-17) comprising: an "observation optical system"(see FIG. 2) having an "objective lens"(see 11 of FIG. 2) and a "photographing element"(see 6 of FIG. 1 and 2); a "monitor"(see 8 and 8a of FIGS. 1, 2, 6-9, 11, 12, 14, 15, and 17); a "fixation-target presenting optical system" that comprises a "liquid crystal display with a light source behind" presenting "a fixation target" and has "a point light source"(see paragraphs [0013]-[0014] along with FIG. 2); a "fixation-target moving unit" that includes a "light source moving unit"(see 50 of FIGS. 2 and 4); "first fixation display-control unit"(see paragraphs [0013]-[0015]); a "second display-control unit"(see paragraphs [0023]-[0040] along with FIGS. 6-9, 11, 12, and 14-17 ); and a "sensor"/ a "mode-selecting unit"/ a "specifying unit"(see 6', 9, and 60 of FIG. 2).

4. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nanjo, U.S. Patent No. 5,668,621.

Nanjo discloses a "fundus camera"(see FIG. 2) comprising: an "observation optical system"(see FIG. 2) having "an objective lens"(see 30 of FIG. 2) and a "photographing element"(see 35 of FIGS. 2 and 4); a "monitor"(see 4 of FIG. 1); a "fixation-target presenting optical system" that comprises a "liquid crystal display" presenting "a fixation target" and has "a point light source"(see 14, 16, 17, and 20-22 of

FIG. 2 along with col. 3, lines 56-67 to col. 4, lines 1-20 and col. 6, lines 50-60); a "fixation-target moving unit" that includes "a light-source moving unit" and "a screen-control unit"(see 2, 3, and 38 of FIGS. 1, 2, and 4); a "first fixation display-control unit"(see 3, 38, and 40 of FIGS. 1, 2, and 4); a "second display-control unit"(see 4, 35, and 42-49 of FIGS. 1, 2, and 4); and a "mode-selecting unit"(see col. 5, lines 25-27). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RB  
August 9, 2002

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800